

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 30

March 3, 1999, 5:15 p.m.  
Page S-2200 Temp. Record

## EDUCATION MANDATE WAIVERS/Waiver Conditions

**SUBJECT:** Education Flexibility Partnership Act . . . S. 280. Jeffords motion to table the Wellstone amendment No. 32 to the committee substitute amendment No. 31.

### ACTION: MOTION TO TABLE AGREED TO, 55-42

**SYNOPSIS:** As reported, S. 280, the Education Flexibility Partnership Act, will expand eligibility for participation in the Education Flexibility (Ed-Flex) Program to all 50 States (currently only 12 States are eligible). Under the program, an eligible State may request that the Department of Education give it the right to grant to local education agencies waivers of certain Federal education regulatory and statutory requirements. A State that gives a waiver to a local education agency also must waive its own similar statutory and regulatory education requirements. Certain Federal regulatory and statutory requirements, including requirements relating to health and safety and civil rights, may not be waived. (Federal education funding provides between 6 percent and 7 percent of total public school funding, a third of which is for nutrition rather than education programs. The Federal Government closely controls how the funds it gives are spent, which hampers local innovation. Also, the 4 percent of funding that it gives is responsible for more than 50 percent of the administrative work in many school districts, due to the extensive paperwork requirements that come with Federal assistance.)

The committee substitute amendment would add public notice provisions, strengthen accountability provisions, and make technical corrections as agreed to by the managers.

**The Wellstone amendment** would require States to demonstrate that they had a strong record of making standards-based education reforms in the previous 5 years before they could be granted waiver authority. Also, it would add that local school authorities that operated under Ed-Flex waivers would still have to meet certain requirements of Title I (Federal education funding for the disadvantaged) for any waivers they received for Title I. More specifically, they would have to meet requirements on assessments, standards, targeted assistance, accountability, and corrective actions.

Debate was limited by unanimous consent. After debate, Senator Jeffords moved to table the Wellstone amendment. Generally,

(See other side)

YEAS (55)		NAYS (42)		NOT VOTING (3)	
Republicans (55 or 100%)	Democrats (0 or 0%)	Republicans (0 or 0%)	Democrats (42 or 100%)	Republicans (0)	Democrats (3)
Abraham	Hutchinson		Akaka	Kennedy	
Allard	Hutchison		Baucus	Kerrey	
Ashcroft	Inhofe		Bayh	Kerry	
Bennett	Jeffords		Bingaman	Kohl	
Bond	Kyl		Boxer	Landrieu	
Brownback	Lott		Breaux	Lautenberg	
Bunning	Lugar		Bryan	Leahy	
Burns	Mack		Cleland	Levin	
Campbell	McCain		Conrad	Lieberman	
Chafee	McConnell		Daschle	Lincoln	
Cochran	Murkowski		Dodd	Mikulski	
Collins	Nickles		Dorgan	Moynihan	
Coverdell	Roberts		Durbin	Murray	
Craig	Roth		Edwards	Reed	
Crapo	Santorum		Feingold	Reid	
DeWine	Sessions		Feinstein	<b>EXPLANATION OF ABSENCE:</b> 1—Official Business 2—Necessarily Absent 3—Illness 4—Other	
Domenici	Shelby		Graham		
Enzi	Smith, Bob		Harkin		
Fitzgerald	Smith, Gordon		Hollings		
Frist	Snowe		Inouye		
Gorton	Specter		Johnson	Wellstone	
Gramm	Stevens			Wyden	
Grams	Thomas			<b>SYMBOLS:</b> AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Grassley	Thompson				
Gregg	Thurmond				
Hagel	Voinovich				
Hatch	Warner				
Helms					

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

The issues raised by the Wellstone amendment have already been addressed. For instance, under the eligibility requirement, States must have the very standards and assessments as are laid out in Title I, and they will not be allowed to waive statewide requirements for local school districts. The Wellstone amendment is redundant and should be tabled.

**Those opposing** the motion to table contended:

We are pleased that our colleagues accept the principles underlying the Wellstone amendment. If they accept those principles, they should accept this amendment. Basically, we think that it clarifies what our colleagues say they intend with this bill. This amendment would clearly condition State waiver authority on the continuation of the standards-based reforms adopted in the last reauthorization of the Elementary and Secondary Education Act, and it would just as clearly ensure that local school authorities would still be bound by fundamental requirements of Title I. The Leadership Conference on Civil Rights strongly supports this amendment. We urge our colleagues to support it as well.